

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JUAN MUNOZ, #177590

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:13-cv-85-KS-MTP

J. WILLIAMS, et al.

DEFENDANTS

ORDER

This cause comes before this Court on Plaintiff's Motion for Entry of Default [13]. Plaintiff argues in his Motion [13] that default should be entered against Defendants J. Williams and S. Rogers because they have not pled or otherwise defended this action as provided in the Fed. R. Civ. P 12(a)(1)(A)(i). As a result of the Defendants' failure to file a responsive pleading, Plaintiff claims that a Entry of Default is appropriate.

Plaintiff, a *pro se* prisoner, initiated this civil action on June 12, 2013, by filing a complaint [1] pursuant to 42 U.S.C. § 1983 against prison officials and employees challenging the conditions of his confinement. The instant civil action is therefore governed by the Prison Litigation Reform Act, 42 U.S.C. § 1997e and 28 U.S.C. § 1915A. Title 28 U.S.C. § 1915A requires this Court to screen the instant civil action to identify any cognizable claims, dismiss the complaint or dismiss any portion of the complaint that is frivolous, malicious, or fails to state a claim upon which relief may be granted or if the defendant is immune from the requested relief.

Upon review of the record, this Court finds that this civil action is being screened and the Defendants have not been directed to file a response. *See* 42 U.S.C. §§ 1997e(g)(1),(2) (providing that a complaint covered by the PLRA does not require the defendants to file a response until ordered by the court and furthermore defendants' waiving the right to reply does not constitute an admission of the allegations in the complaint). Because the screening process

has not been completed and the Defendants have not been served with process or ordered to file a response, Plaintiff's motion will be denied. Accordingly, it is

ORDERED AND ADJUDGED that Plaintiff's Motion for Default Judgment [13] is **denied.**

This the 2nd day of August, 2013.

s/ Keith Starrett
UNITED STATES DISTRICT JUDGE